

IV. Remarks

By this paper, Applicants are amending claims 1, 7 and 20. Therefore, after entering this amendment, claims 1-23 are currently pending.

Reconsideration and further examination of this application in view of the above amendments and the following remarks is therefore respectfully requested.

Information Disclosure Statement

As noted by the Examiner in the Office Action, one of the patents cited in the Information Disclosure Statement previously filed by the Applicants does not list the correct inventor with the cited patent number. Applicants were citing U.S. Patent No. 6,262,378 to Chou, not U.S. Patent No. 6,626,378 to Sasaki et al. A corrected Information Disclosure Statement and Form 1449 are attached with this paper. Because the previously-submitted Information Disclosure Statement substantially complied with 37 C.F.R. 1.97(b), Applicants assert that no fee is currently due. However, the Commissioner is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Amendments to the Specification

Applicant has amended paragraphs [0017], [0018], [0023], [0025], [0027], [0031], [0032], [0033], [0034], and [0035] of the specification to correct the deficiencies as required by the Examiner. No new matter has been added.

Amendments to the Drawings

The Examiner objected to the drawings because reference characters "28" and "30" have both been used to designate "contact members" and "living hinges" and because reference character "82" has been used to designate "first electrical connection" and "distance".

Responsive thereto, the Specification has been amended to consistently refer to reference characters as "contact members".

Also responsive thereto, Figures 3a, 3b, and 3c have been amended to replace element 82 with element 83 where appropriate. The Specification has also been amended to refer to the distance in conjunction with reference numeral 83.

Furthermore, the peak 52 in Figure 3a has been lowered to contact the projection 74, as disclosed in Paragraph [0032] of the original Application as filed; and the peak 52 in Figure 3b has been lowered to contact the projection 60, as disclosed in Paragraph [0033] of the original Application as filed. No new matter has been added by these amendments.

Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 1-4, 6-14, 16, 17, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by *Dull et al.* (US 2,876,313).

With respect to claims 1-4 and 6, claim 1 recites that the adjustment member has a plurality of protrusions that are configured to selectively engage the contact portion of the first contact member and induce a first electrical connection and to selectively engage the contact portion of the second contact member and induce a second electrical connection. Claim 1 further recites the adjustment member has a plurality of troughs located between adjacent protrusions, where the troughs receive the first contact member when the first electrical connection is disconnected and receive the second contact member when the second electrical connection is disconnected.

Dull et al fails to disclose a plurality of troughs that receive the first and second contact members when the electrical connections are disconnected. Even if the term “protrusion” in claim 1 encompasses the portions of a surface that are not depressed, such as face 29 in *Dull et al*, then the surface portions 29 cited by the Examiner do not anticipate claim 1. More specifically, the notches 31 only engage the contact arms 20 when the electrical connection is present between the face 29 and one of the contact arms 20. (*Dull et al*, col. 3, line 55 – col. 4, line 5).

Therefore, claim 1 as amended is not anticipated by *Dull et al.* Furthermore, claims 2-4 and 6, which depend from claim 1, are not anticipated by *Dull et al.*

With respect to claims 7-14, 16, 17, and 19, claim 7 recites an adjustment member having a second end defining a generally wave-shaped surface extending

substantially completely along a circular path and having a plurality of peaks. Claim 7 further recites the adjustment member has a plurality of troughs located between adjacent protrusions, where the troughs receive the first contact member when the first electrical connection is disconnected.

Dull et al fails to disclose a wave-shaped surface extending substantially completely along a circular path and having a plurality of peaks. Even if the term “peaks” in claim 7 encompasses the portions of a surface that are not depressed, such as face 29 in *Dull et al*, then the surface portions 29 cited by the Examiner do not anticipate claim 7. More specifically, the notches 31 and face 29 only extend around a portion of a circular path extending around the switch 10. (*Dull et al*, col. 3, lines 20-54).

Furthermore, due to the flat surface 20 extending over a substantial distance between the respective notches 31, the switch 10 does not include a wave-shaped surface along even a portion of the circular path. A “wave” is defined as a “shape or outline having successive curves.” (*Merriam-Webster’s Collegiate Dictionary, 10th Edition*, p. 1332).

Additionally, *Dull et al* fails to disclose a plurality of troughs that receive the first contact member when the electrical connection is disconnected. Even if the term “protrusion” in claim 1 encompasses the portions of a surface that are not depressed, such as face 29 in *Dull et al*, then the surface portions 29 cited by the Examiner do not anticipate claim 1. More specifically, the notches 31 only engage the contact arms 20 when the electrical connection is present between the face 29 and one of the contact arms 20. (*Dull et al*, col. 3, line 55 – col. 4, line 5).

Therefore, claim 7 as amended is not anticipated by *Dull et al*. Furthermore, claims 6-14, 16, 17, and 19, which depend from claim 7, are not anticipated by *Dull et al*.

Claim 20 recites a knob having a second end defining a generally wave-shaped surface extending substantially completely along a circular path and having a plurality of peaks.

Dull et al fails to disclose a knob having wave-shaped surface extending substantially completely along a circular path and having a plurality of peaks. The switch 10 disclosed in *Dull et al* is not a knob as recited in claim 20. Rather, the

switch 10 includes a portion 21 that is configured to be coupled to a knob (not shown), but is not a knob itself. (*Dull et al*, col. 2, line 71 – col. 3, line 5). Therefore, claim 20 is not anticipated by *Dull et al*.

Furthermore, the notches 31 and face 29 in *Dull et al* only extend around a portion of a circular path extending around the switch 10 and do not define a wave, as discussed with respect to claim 7. (*Dull et al*, col. 3, lines 20-54).

The Examiner rejected claims 1-4, 6-14, 16, 17, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by *Senoh* (US 4,539,444).

With respect to claims 1-4 and 6, claim 1 recites that the adjustment member has a plurality of protrusions that are configured to selectively engage the contact portion of the first contact member and induce a first electrical connection and to selectively engage the contact portion of the second contact member and induce a second electrical connection. Claim 1 further recites that at least one of the first and second contact members is configured to bias the adjustment member towards an equilibrium position.

Senoh fails to disclose at least one of the first and second contact members being configured to bias the adjustment member towards an equilibrium position. The rotatable driver 25 is not biased towards an equilibrium position by the contact members 16a-d in *Senoh*. Even if the upward spring force from the contact members 16a-d urge the rotatable driver 25 in a rotational direction, the rotatable driver 25 is not biased towards an equilibrium point where further movement is resisted. More specifically, the rotatable driver 25 is free to rotate within the notch 26 without resistance being caused by the contact members 16a-d. (*Senoh*, col. 3, line 40 – col. 4, line 14). Therefore, the contact members 16a-d do not urge the rotatable driver 25 towards an equilibrium point as recited in claim 1.

Furthermore, the indexing ring 30 in *Senoh* does not cause an electrical contact, and therefore cannot be considered to be a contact member.

Therefore, claim 1 as amended is not anticipated by *Senoh*. Furthermore, claims 2-4 and 6, which depend from claim 1, are not anticipated by *Senoh*.

With respect to claims 7-14, 16, 17, and 19, claim 7 recites an adjustment member having a second end defining a generally wave-shaped surface extending substantially completely along a circular path and having a plurality of peaks.

Senoh fails to disclose a wave-shaped surface extending substantially completely along a circular path and having a plurality of peaks. Even if the term “peaks” in claim 7 encompasses the portions of a surface that are not depressed, such as surface 26 in *Senoh*, then the surface portions 26 cited by the Examiner do not anticipate claim 7. More specifically, the notches cam lands 27 only extend around a portion of a circular path extending around the rotatable driver 25. (*Senoh*, col. 4, lines 26-51).

Furthermore, due to the flat surfaces defining the surface 26 and the cam lands 27, the rotatable driver 25 does not include a wave-shaped surface along even a portion of the circular path. A “wave” is defined as a “shape or outline having successive curves.” (*Merriam-Webster’s Collegiate Dictionary, 10th Edition*, p. 1332).

Therefore, claim 7 as amended is not anticipated by *Senoh*. Furthermore, claims 6-14, 16, 17, and 19, which depend from claim 7, are not anticipated by *Senoh*.

Claim 20 recites a knob having a second end defining a generally wave-shaped surface extending substantially completely along a circular path and having a plurality of peaks.

Senoh fails to disclose a knob having wave-shaped surface extending substantially completely along a circular path and having a plurality of peaks. The cam lands 27 in *Senoh* are planar surfaces that only extend around a portion of a circular path extending around the rotatable driver 25, as discussed with respect to claim 7. (*Senoh*, col. 4, lines 26-51).

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 15 and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Senoh* (US 4,539,444).

Claim 15 is indirectly dependant from claim 7, and therefore is allowable for the reasons discussed above. Similarly, claim 21 is dependant from claim 20 and is also allowable for the reasons discussed above.

The Examiner rejected claim 5, 18, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Senoh* (US 4,539,444) in view of *Rose* (US 4,551,587).

Claim 5 is indirectly dependant from claim 1, and therefore is allowable for the reasons discussed above. Similarly, claim 18 is indirectly dependant from claim 7 and is also allowable for the reasons discussed above. Furthermore, claims 22 and 23 are indirectly dependent from claim 20 and are also allowable for the reasons discussed above.

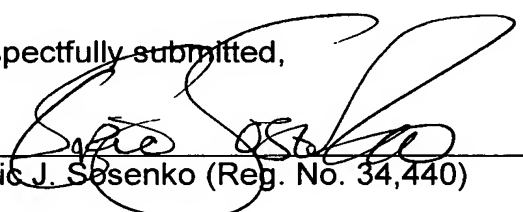
Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

Date

April 4, 2005

Respectfully submitted,


Eric J. Sosenko (Reg. No. 34,440)

Attachment: Replacement Sheets of Drawings (3 sheets)
Annotated Marked-up Drawings (3 Sheets)
Corrected Information Disclosure Statement & Form 1449

III. Amendments to the Drawings

Replacement sheets 1, 2, and 3 of the drawings, including changes to Figures 3a, 3b, and 3c, are attached.

Sheet 1 has not been amended, but is being included per the Examiner's request.

Sheet 2 has been amended to renumber the distance "82" on the right-hand side of Figure 3a as the distance "83". Additionally, the peak 52 in Figure 3a has been lowered to contact the projection 74, as disclosed in Paragraph [0032] of the original Application as filed.

Sheet 3 has been amended to renumber the distance "82" on the left-hand side of Figure 3b as the distance "83". Additionally, the peak 52 in Figure 3b has been lowered to contact the projection 60, as disclosed in Paragraph [0033] of the original Application as filed.

Sheet 3 has also been amended to renumber the distance "82" on both sides of Figure 3c as the distance "83".

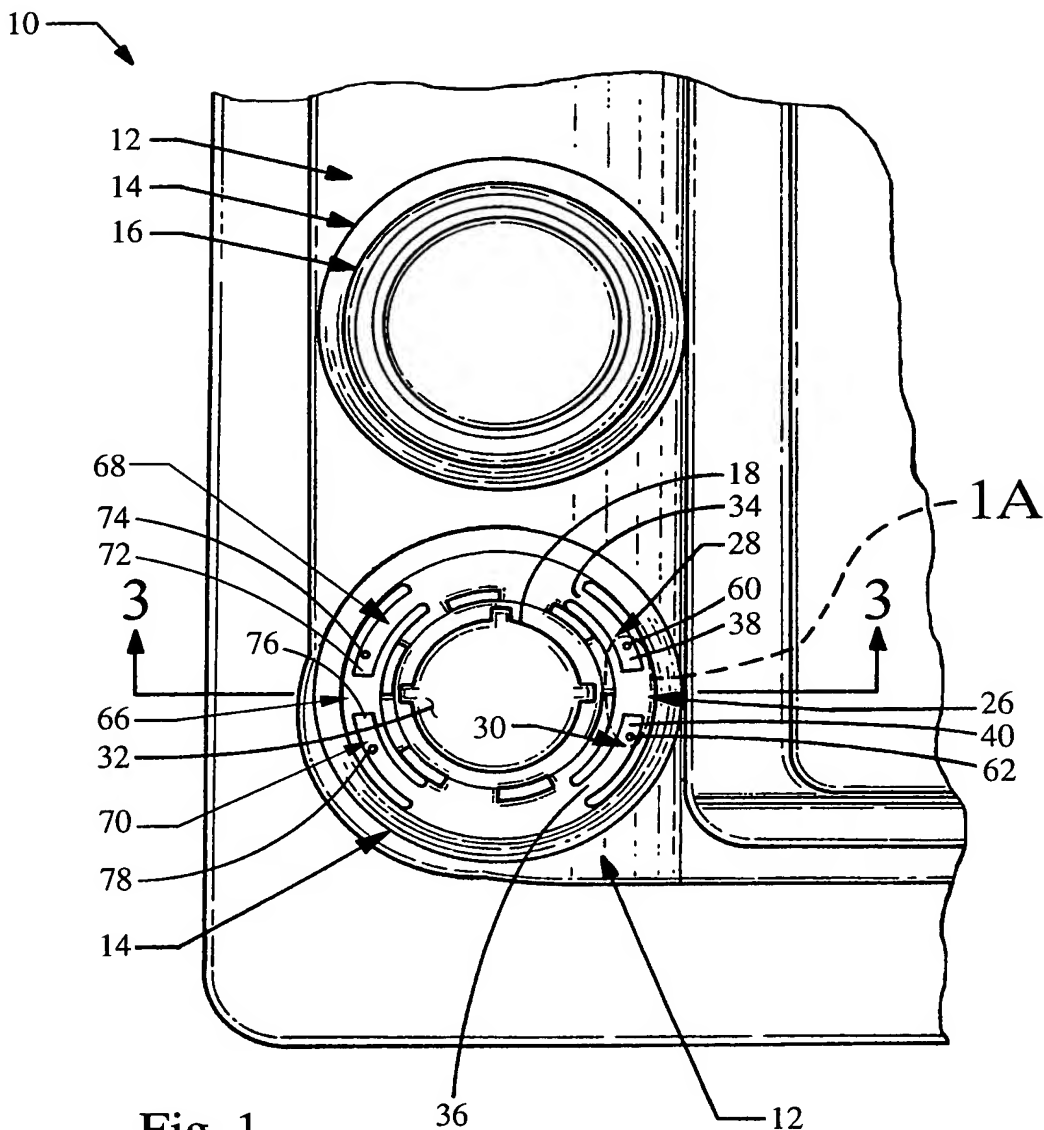


Fig. 1

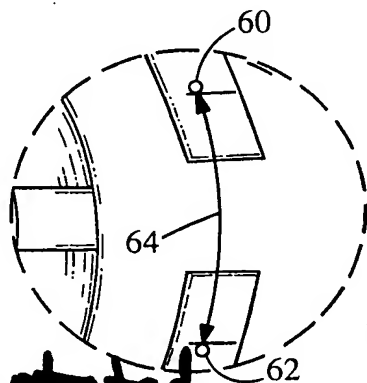


Fig. 1A

Marked-up Annotated
 Drawing - No changes to sheet 1

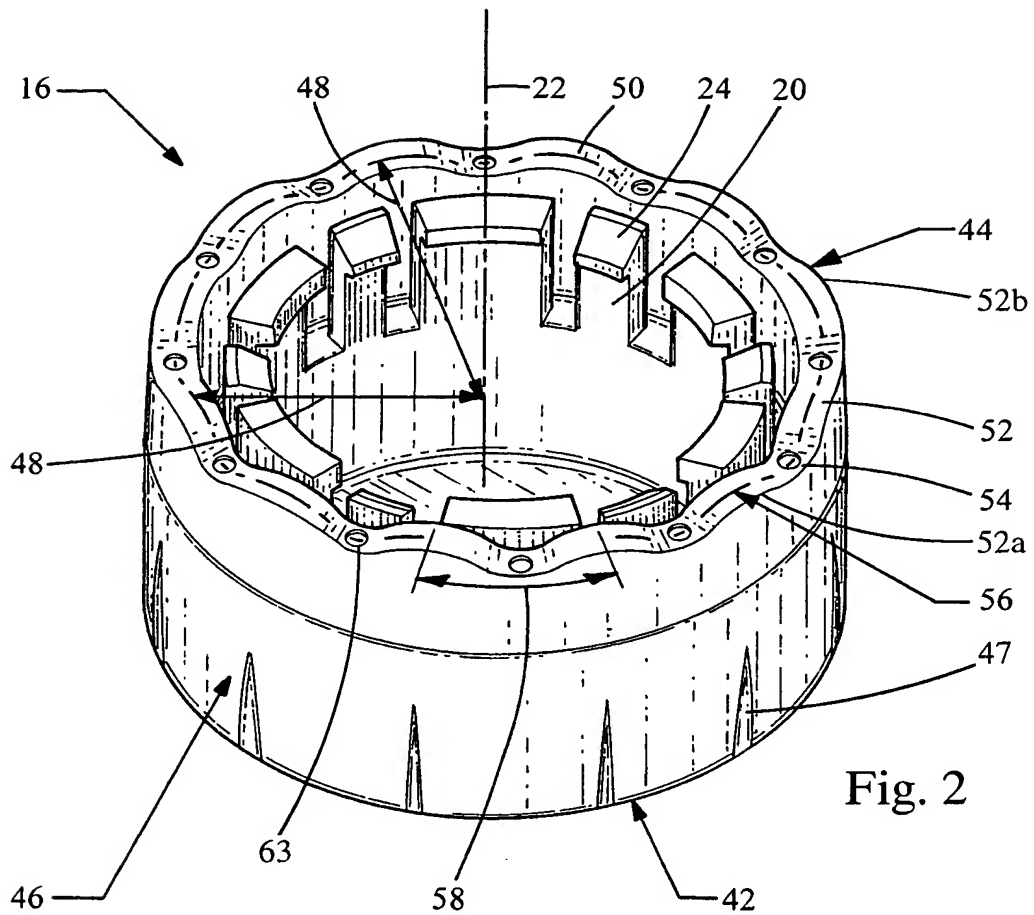


Fig. 2

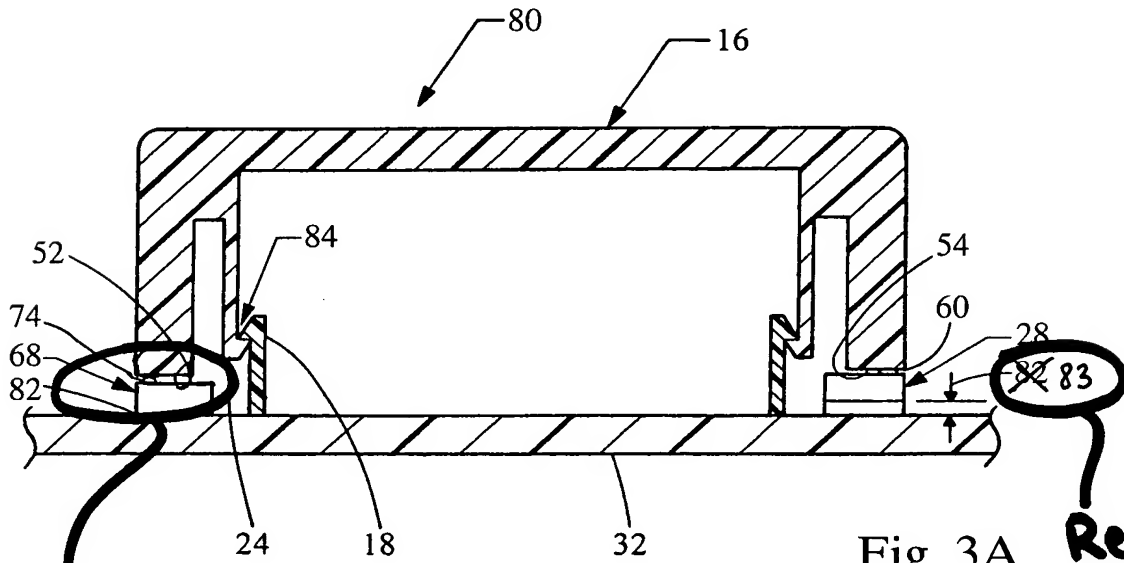


Fig. 3A

Peak 52 Lowered

Renumber
as 83

Marked-up Annotated Drawings

3/3

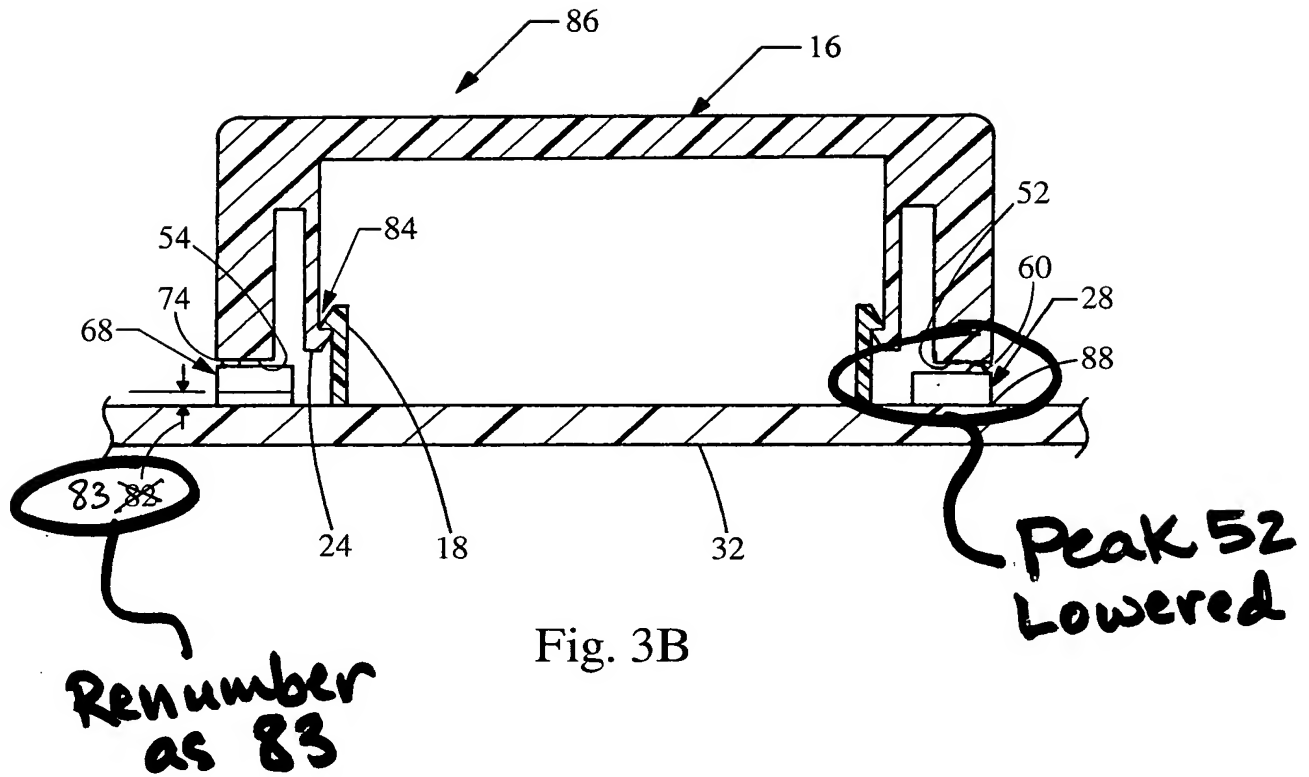


Fig. 3B

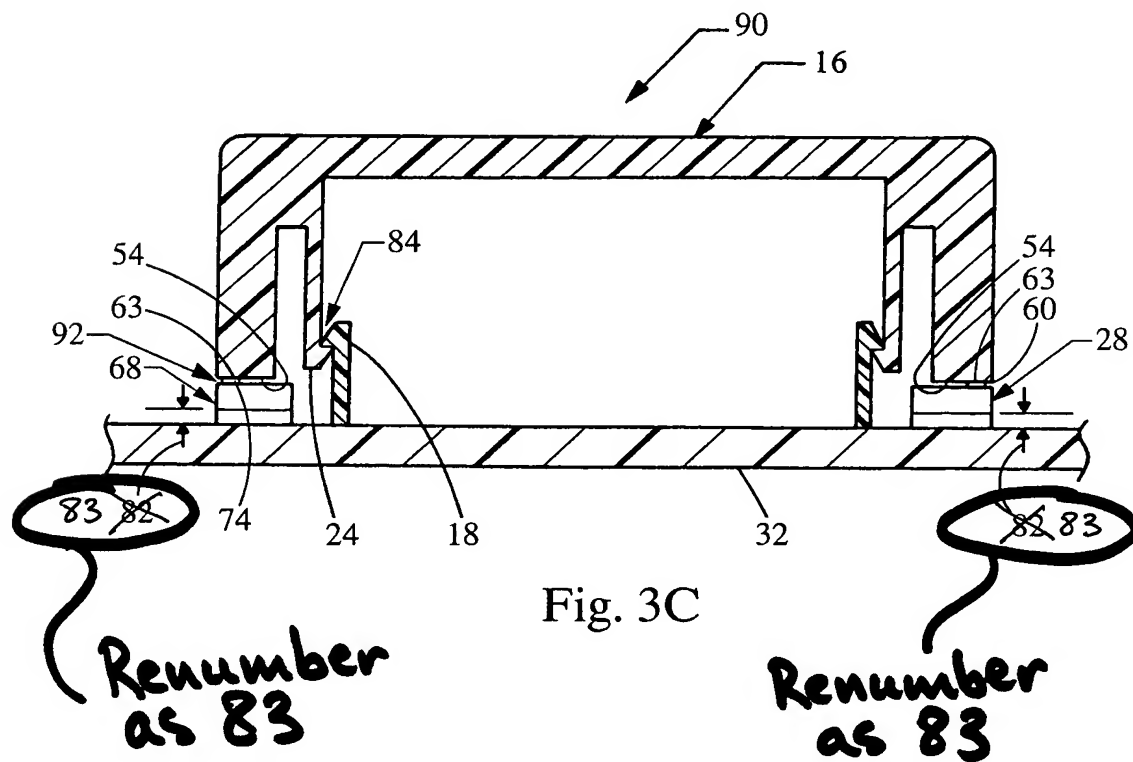


Fig. 3C

Marked-up Annotated Drawings